



City of NORFOLK

C: Dir., Department of City Planning

To the Honorable Council
City of Norfolk, Virginia

February 10, 2015

From: George M. Homewood, AICP, CFM, Planning Director

Subject: Special exception – automobile sales and service facility at 5328 East Virginia Beach Boulevard – **Import Cycle Center**

Reviewed:

Ronald H. Williams, Jr., Deputy City
Manager

Ward/Superward: 4/7

Approved:

Marcus D. Jones, City Manager

Item Number:

R-5

- I. **Staff Recommendation:** Approval.
- II. **Commission Action:** By a vote of **7 to 0**, the Planning Commission recommends **Approval**.
- III. **Request:** Special exception – automobile sales and service facility.
- IV. **Applicant:** Jacob Kahle
- V. **Description**
 - The site is zoned C-2 (corridor commercial) district which permits the automobile sales and service with a special exception.
 - In 2011, the applicant was granted special exceptions for an automobile sales establishment and an automobile and truck repair establishment.
 - Both special exceptions only allow the sale and repair of mopeds, all-terrain vehicles, motorcycles and similar vehicles.
 - This application would allow the applicant to expand into the sale of automobiles with a maximum of eight on the premises at any time.
 - The hours of operation are from 9:00 a.m. until 7:00 p.m. Monday through Saturday and closed on Sundays.

Staff point of contact: Susan Pollock at 664-4765, susan.pollock@norfolk.gov

Attachments:

- Staff Report to CPC dated January 22, 2015 with attachments
- Proponents and Opponents
- Ordinance

Proponents and Opponents

Proponents

Jake Kahle
5328 East Virginia Beach Boulevard
Norfolk, VA 23507

Opponents


None




City of NORFOLK

To the City Planning Commission
City of Norfolk, Virginia


January 22, 2014

From: Susan Pollock, 
Principal Planner

Subject: Special exception to add automobile sales to an existing establishment at 5328 East Virginia Beach Boulevard – **Import Cycle Center**

Reviewed: Leonard M. Newcomb, III, CFM 
Land Use Services Manager

Ward/Superward: 4/7

Approved: 
George M. Homewood, AICP, CFM
Planning Director

Item Number: 3

I. Recommendation:

Staff recommends approval, considering the proposed improvements bring the site more into compliance with the *Zoning Ordinance*.

II. Applicant: Jacob Kahle

III. Description:

- In 2011 this location was granted special exceptions for Automobile Sales and Service and Automobile repair (limited to motorcycles, not automobiles)
- This request would allow the addition of the sale of automobiles, but would limit the number on site at any time to eight.

IV. Analysis:

The site is on the north side of East Virginia Beach Boulevard, near its intersection with Raby Road.

Plan Analysis

- The proposed special exception is consistent with *plaNorfolk2030*, which designates this site as commercial.
- The Identifying Land Use Strategies chapter of *plaNorfolk2030* includes an action calling for the city to work to bring existing automobile sales establishments into compliance with applicable codes, with an emphasis on buffering, landscaping, and parking.
 - In order to be fully consistent with *plaNorfolk2030*, improvements should be made to this site to bring it closer to compliance with applicable codes.

Zoning Analysis

- The site is zoned C-2 (corridor commercial) district which permits the automobile sales and service with a special exception.
- In 2011, the applicant was granted special exceptions for an automobile sales establishment and an automobile and truck repair establishment.
 - Both special exceptions only allow the sale and repair of mopeds, all-terrain vehicles, motorcycles and similar vehicles.
- This application would allow the applicant to expand into the sale of automobiles with a maximum of eight on the premises at any time.

	Proposed
Hours of Operation	9:00 a.m. until 7:00 p.m., Monday through Saturday Closed Sundays

- The attached conditions ensure compliance with *Zoning Ordinance* and *plaNorfolk2030* requirements.

Traffic Analysis

No additional trips are forecast as a result of the proposed change of conditions related to the existing automobile uses on the site.

V. Financial Impact

The applicant is current on all taxes.

VI. Environmental

- The property along East Virginia Beach Boulevard between Raby Road and North Military Highway, in an area with a concentration of auto sales establishments.
- The applicant has agreed to make improvements to the site, including providing a ten foot landscape buffer along the frontage of East Virginia Beach Boulevard in accordance with the *Zoning Ordinance*.

VII. Community Outreach/Notification

- Legal notice was posted on the property on October 7.
- Letters were mailed to all property owners within 300 feet of the property on January 9.
- Legal notification was placed in *The Virginian-Pilot* on January 8 and January 15.

VIII. Coordination/Outreach

This report has been coordinated with the Department of City Planning, the City Attorney's Office, and the Department of Recreation, Parks, and Open Space.

Supporting Material from the Department of City Planning:

- Proposed Conditions
- Location Map
- Zoning Map
- Radius Map of Auto Sales Establishments
- Application
- Survey

Proponents and Opponents

Proponents

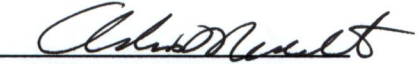
Jake Kahle
5328 East Virginia Beach Boulevard
Norfolk, VA 23507

Opponents

None

Form and Correctness Approved: 

Contents Approved: 

By 
Office of the City Attorney

By 
DEPT.

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE GRANTING A SPECIAL EXCEPTION TO OPERATE AN AUTOMOBILE SALES AND SERVICE ESTABLISHMENT NAMED "IMPORT CYCLE CENTER" ON PROPERTY LOCATED AT 5328 EAST VIRGINIA BEACH BOULEVARD.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a Special Exception is hereby granted to permit the operation of an Automobile Sales and Service establishment named "Import Cycle Center" on property located at 5328 East Virginia Beach Boulevard. The property which is the subject of this Special Exception is more fully described as follows:

Property fronting 77 feet, more or less, along the northern line of East Virginia Beach Boulevard beginning 365 feet, more or less, from the western line of Raby Road and extending westwardly; premises numbered 5328 East Virginia Beach Boulevard.

Section 2:- That the Special Exception granted hereby shall be subject to the following conditions:

- (a) The hours of operation for the facility shall be limited to 9:00 a.m. until 7:00 p.m. Monday through Friday, from 9:00 a.m. until 5:00 p.m. on Saturday, and closed on Sunday. No use of the facility outside of the hours of operation listed herein shall be permitted.
- (b) Pavement shall be removed on the portion of the property abutting East Virginia Beach Boulevard on either side of the driveway and extending north to the existing fence, as shown on the site plan dated December 3, 2014, prepared by DKT Associates, attached hereto and marked as "Exhibit A". The removed pavement shall be replaced with grass or turf and maintained as greenery.

- (c) The parking lot shall be striped in accordance with site plan attached hereto and marked as "Exhibit A".
- (d) No more than eight (8) motor vehicles will be displayed on the site for sale at any given time.
- (e) There shall be no razor wire permitted on the site and any existing razor wire shall be removed.
- (f) Any dumpster on the property shall be gated, not visible from any public right-of-way, and screened with masonry walls that complement the existing building.
- (g) Test driving of the vehicles shall not occur within the neighborhood located in the vicinity of the site.
- (h) No automobile associated with this facility shall be parked or displayed in any public right-of way, on any unimproved surface, or within any sight distance triangle.
- (i) There shall be no signage, flags or banners visible from any public right-of-way affixed to the automobiles being displayed for sale.
- (j) There shall be no storage of wrecked or inoperative vehicles in any building or on the property without a work order or an insurance claim form.
- (k) All repair work shall be done inside the building. No work may take place outside.
- (l) No public telephone(s) shall be permitted on the exterior of the property.
- (m) On-site lighting shall be directed and shielded so as not to cast glare onto any adjacent residential properties.
- (n) The property shall be kept in a clean and sanitary condition at all times.
- (o) There shall be no storage or display of tires

outside the building.

- (p) The facility shall maintain a current, active business license at all times while in operation.
- (q) Notwithstanding any other regulations pertaining to temporary window signage in Chapter 16 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), no less than 85% of the glass areas of the ground floor shall remain transparent as defined in the Zoning Ordinance.
- (r) No business license shall be issued until conditions (b) and (c), above, have all been complied with in their entirety.

Section 3:- That the City Council hereby determines that the Special Exception granted herein complies with each of the requirements of § 25-7 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), namely that:

- (a) The proposed use and development will be in harmony with the objectives and policies of the adopted General Plan of Norfolk and with the general and specific purposes for which this ordinance was enacted and for which the regulations of the district in question were established;
- (b) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located;
- (c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts;
- (d) The proposed use and development will be constructed, arranged and operated so as not to interfere with the use and development of neighboring property in accordance with the applicable district regulations;
- (e) The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures,

police and fire protection, refuse disposal, parks, libraries, and schools;

- (f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;
- (g) The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance;
- (h) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;
- (i) The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on the city as a whole;
- (j) The proposed use and development complies with all additional standards imposed on it by the particular provisions of the ordinance authorizing such use; and
- (k) No application for a special exception shall be recommended or granted until any and all delinquent real estate taxes owed to the City of Norfolk on the subject property have been paid.

Section 4:- That the Special Exception granted hereby amends the previously granted special exception permitting the operation of an automobile sales and service establishment on this property, adopted on September 27, 2011, (Ordinance No. 44,390) and all provisions and conditions previously approved are entirely superseded by the terms of this Special Exception.

Section 5:- That this ordinance shall be in effect from the date of its adoption.

Import Cycle Sales
5328 East Virginia Beach Boulevard
Conditions

- (a) The hours of operation for the facility shall be from 9:00 a.m. until 7:00 p.m., seven days a week. No use of the facility outside of the hours of operation listed herein shall be permitted.
- (b) Additional pavement will be removed along the E. Virginia Beach Boulevard and landscaping added along the interior property lines as shown on the attached site plan dated December 2, 2013 and prepared by DKT Associates.
- (c) No more than eight (8) motor vehicles will be displayed on the site for sale at any given time.
- (d) Notwithstanding any other regulations pertaining temporary window signage within Chapter 16 of the *Zoning Ordinance of the City of Norfolk*, 1992 (as amended), no more than 15% of the ground floor window and glass door area of the business may be covered by either permanent or temporary window signs.
- (e) There shall be no signage legible from any public right-of-way on, in, or near the vehicles being displayed for sale.
- (f) No razor wire or barbed wire shall be permitted on the site.
- (g) The parking lot shall be striped in accordance with attached site plan.
- (h) Test driving of the vehicles shall not occur within the neighborhood located to the north of the site.
- (i) No vehicle associated with this facility shall be parked or anyway otherwise displayed within any sight triangle, public right-of-way or on any unimproved surface.
- (j) There shall be no storage of wrecked or inoperative vehicles in the building or on the property without a work order or an insurance claim form.
- (k) All repair work shall be done inside the building. No repair work may take place outside.
- (l) No exterior storage, placement or any otherwise display of tires or other vehicle parts is allowed.
- (m) On-site lighting shall be directed and shielded so as not to cast glare onto any adjacent residential properties.
- (n) Any dumpsters on site shall be gated and not visible from any public right-of-way, and will be screened with masonry walls that complement the current existing building.
- (o) During all hours of operation, the facility operator shall be responsible for maintaining those

portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the Special Exception so as to keep such areas free of litter, refuse, solid waste, and any bodily discharge.

- (p) The property shall be kept in a clean and sanitary condition at all times.
- (q) No business license shall be issued until conditions (b), and (g) have been implemented fully on the site.
- (r) The facility shall maintain a current, active business license at all times while in operation.

Print Name: _____

Sign: _____ Date: _____

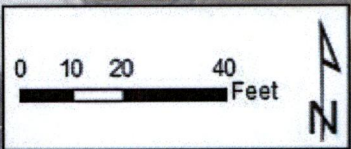
Location Map

IMPORT CYCLE CENTER, LLC



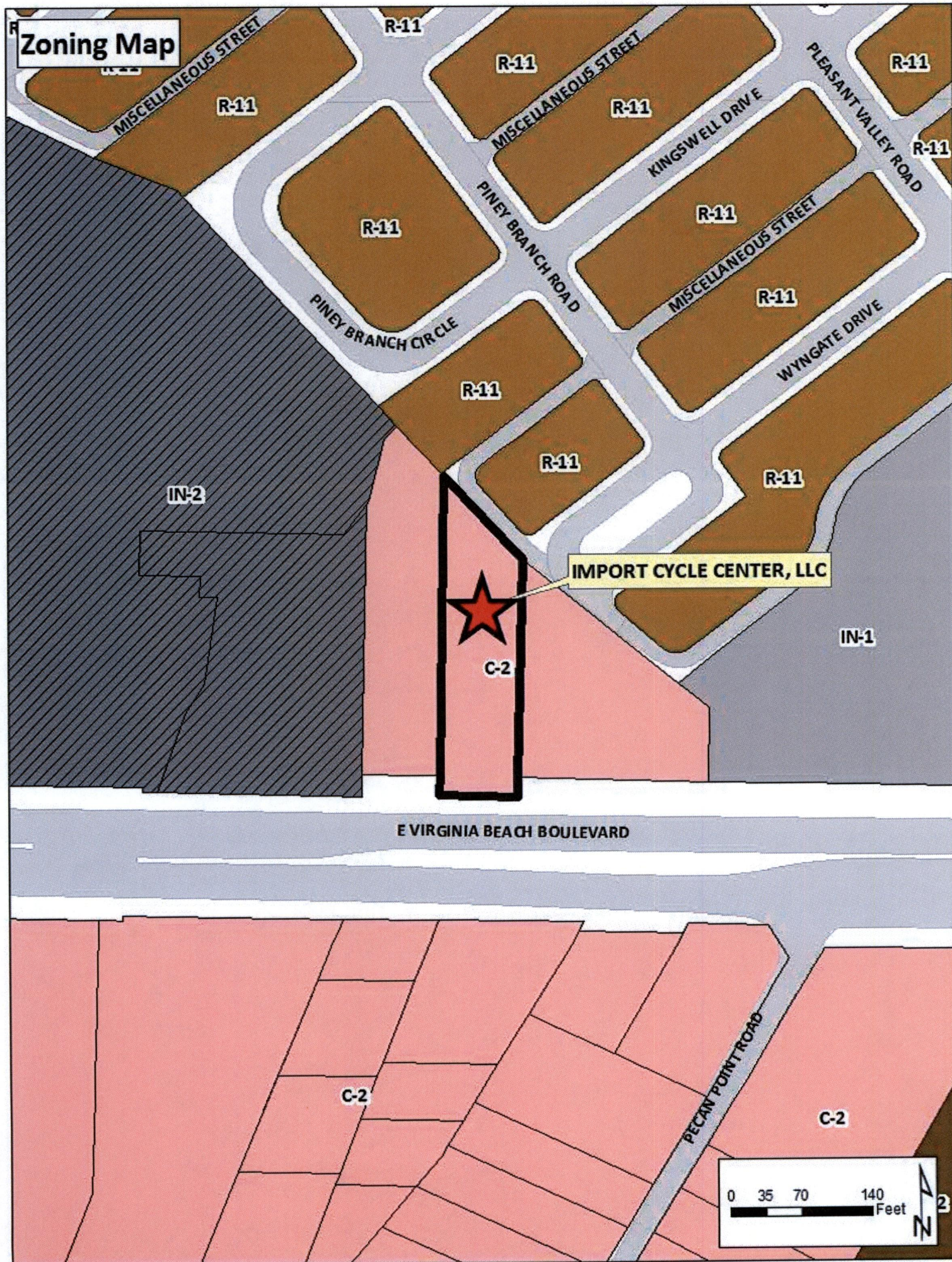
WYNGATE DRIVE

MISCELLANEOUS STREET



E VIRGINIA BEACH BOULEVARD

Zoning Map



IMPORT CYCLE CENTER, LLC

C-2

IN-2

R-11

R-11

R-11

R-11

R-11

R-11

R-11

R-11

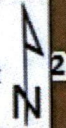
IN-1

E VIRGINIA BEACH BOULEVARD

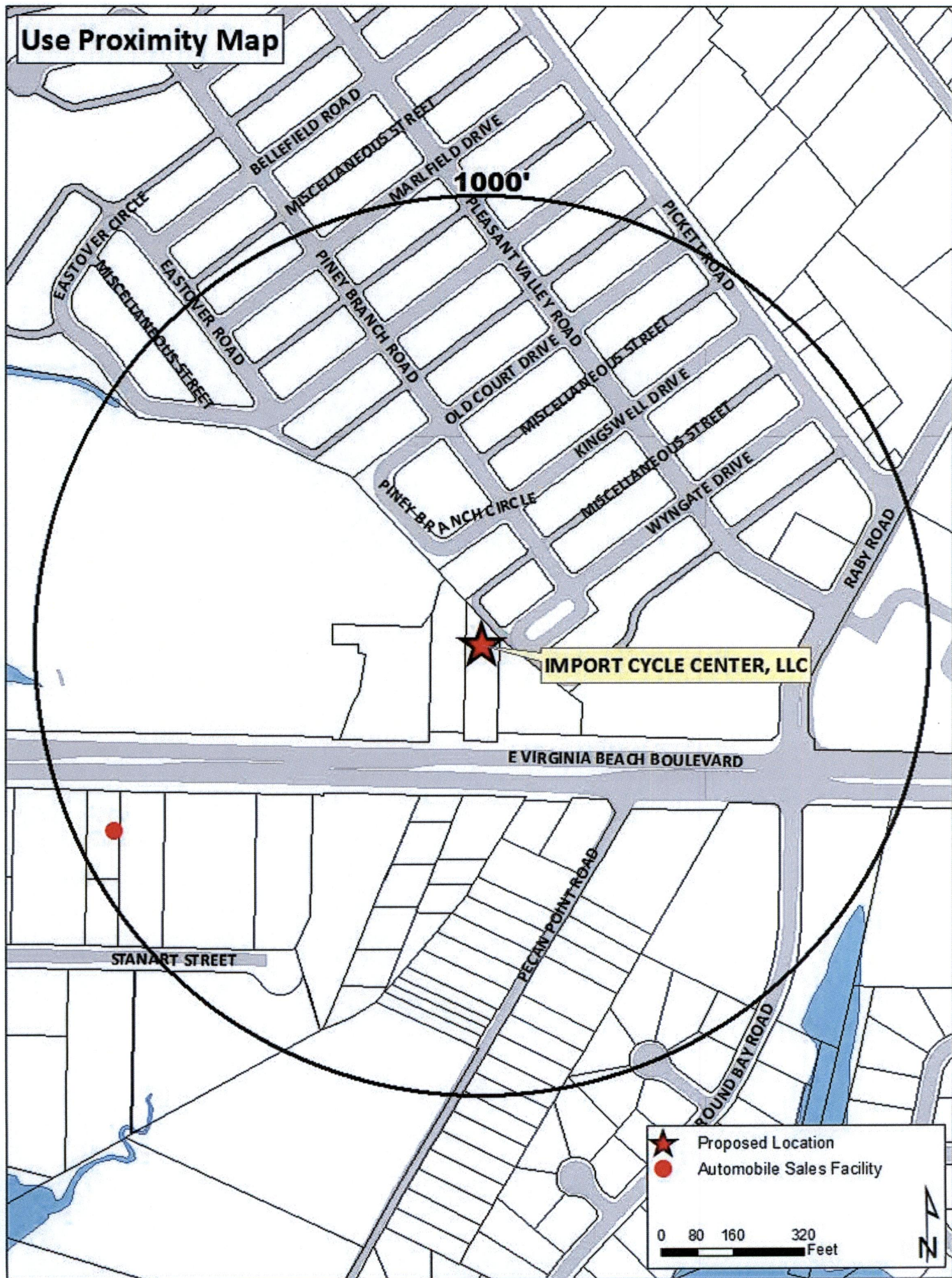
C-2

C-2

0 35 70 140 Feet



Use Proximity Map





**APPLICATION
SPECIAL EXCEPTION**

Special Exception for: Automotive Sales.

Date of application: 9/26/2014

DESCRIPTION OF PROPERTY

Property location: (Street Number) 5328 (Street Name) E. Virginia Beach Blvd.

Existing Use of Property Automotive Sales & Service Special Exception.

Current Building Square Footage 2,000 sq. ft.

Proposed Use Automotive Sales; See Attached Documentation.

Proposed Square Footage 2000 sq. ft.

Proposed Hours of Operation:

Weekday From 9 am To 7 pm.

Friday From 9 am To 7 pm

Saturday From 9 am To 5 pm.

Sunday From - To -

Trade Name of Business (If applicable) Import Cycle Center LLC.

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised July, 2013)

APPLICANT/ PROPERTY OWNER

1. Name of applicant: (Last) Kahle (First) Jacob (MI) J

Mailing address of applicant (Street/P.O. Box): 5328 E VA Beach Blvd.

(City) Norfolk (State) VA (Zip Code) 23502

Daytime telephone number of applicant (757) 761-9719 Fax number () _____

E-mail address of applicant: Kahlej@ gmail.com.

2. Name of property owner: (Last) Kahle (First) Jacob (MI) J

Mailing address of property owner (Street/P.O. box): 5328 E. VA Beach Blvd.

(City) Norfolk (State) VA (Zip Code) 23502

Daytime telephone number of owner (757) 761-9719 Fax number () _____

CIVIC LEAGUE INFORMATION

Civic League contact: Crownpoint Townhomes.

Date(s) contacted: _____

Ward/Super Ward information: Paul Biddick i Angela Williams.

REQUIRED ATTACHMENTS:

- ✓ Required application fee, **\$355.00** (if check, make payable to Norfolk City Treasurer).
 - Application fee includes a non-refundable \$5 technology surcharge.
 - ✓ Two 8½ x 14 inch copies of a survey or site plan drawn to scale showing:
 - Existing and proposed building structures
 - Driveways
 - Parking,
 - Landscaping
 - Property lines (*see attached example).
-

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised July, 2013)

**Application
Special Exception
Page 3**

CERTIFICATION:

I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge:

Print name: Jacob Kahle Sign: [Signature] 9/26/2014
(Property Owner or Authorized Agent Signature) (Date)

Print name: Jacob Kahle Sign: [Signature] 9/26/2014
(Applicant or Authorized Agent Signature) (Date)

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

810 Union Street, Room 508
Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised July, 2013)

Application for Special Exception

Special Exception for: Import Cycle Center LLC

Date of Application: September 26, 2014

Description of Property

Property Location: 5328 E. Virginia Beach Blvd. Norfolk, VA 23502

Existing Use of Property: Zoned C-2. Special Exception (Ordinance No. 44,390 and 44,391) granted for Automotive Sales and Service as well as an Automotive Repair Facility on the property.

Current Building Square Footage: 2,000 sqft.

Current Property Square Footage: 20,911

Proposed Use: The purpose of this application is to request a special exception for Automotive Sales on the property located at 5328 E. Virginia Beach Blvd. This application is a separate request to conditionally eliminate Section 2, part b of the zoning Ordinance No. 44,390, which states:

The sale of any "passenger car," "pickup or panel truck," "trailer," or "truck" as such are defined in Title 46.2 of the Code of Virginia shall be prohibited.

The new proposal would include the ability to sell up to 8 "passenger cars", "pickups", or "trucks" as defined in Title 46.2 of the Code of Virginia. The vehicle sales will focus on a low cost, high efficiency product to promote operational synergy with the existing business model. The display of these 8 vehicles will in no way compromise current customer parking or interfere with current business operations. The addition of these vehicle sales would represent less than 25 percent of the current parking lot space allocated to customers and employees.

Proposed Hours of Operation:

Summer:

Weekdays: 9am – 7pm

Saturday: 9am – 5pm

Sunday: Closed

Winter (Day Light Saving Time):

Weekdays: 9am – 6pm

Saturday: 9am – 5pm

Sunday: Closed

-



DRAWN	ACV	SCALE	1" = 40'
CHECK	DT	JOB	8724
DATE	12-3-14	REVISED	-
FIELD BOOK	129-48	SHEET	1 OF 1